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10 *Attorneys for Individual and Representative*
 11 *Plaintiff and the Collective Class*

12 **UNITED STATES DISTRICT COURT**
 13 **EASTERN DISTRICT OF CALIFORNIA**

14 Sean Mar, individually, on behalf of others
 15 similarly situated, and on behalf of the general
 16 public,

17 Plaintiff,

18 vs.

19 Genuine Parts Company, NAPA AUTO PARTS,
 20 and DOES 1-10, inclusive

21 Defendants.

Case No.: 2:15-cv-01405-MCE-AC

Judge: Hon. Morrison C. England, Jr.

**STIPULATION FOR LEAVE FOR
 PLAINTIFF TO FILE FIRST AMENDED
 COMPLAINT AND ORDER THEREON**

Complaint Filed: July 1, 2015

22 Subsequent to the filing of this lawsuit and for settlement purposes only, Plaintiff,
 23 on behalf of himself and all other similarly situated individuals, asserts an additional
 24 cause of action, civil penalties pursuant to Labor Code Private Attorneys General Act of
 25 2004 (PAGA) (Cal. Labor Code § 2698, *et seq.*), and an additional cause of action for
 26 waiting time penalties (Cal. Labor Code § 203). Moreover, for settlement purposes only,
 27 Plaintiff has agreed to eliminate his California class claims because of Defendant

1 Genuine Parts Company d/b/a NAPA Auto Parts' (hereinafter "Defendant") challenge
2 based upon the numerosity requirement of Rule 23.

3 Therefore, Plaintiff, on behalf of himself and all other similarly situated individuals,
4 and Defendant, by and through their attorneys of record, hereby stipulate and agree that
5 the Court should grant Plaintiff leave to file the attached First Amended Complaint in this
6 lawsuit (attached hereto as Exhibit 1) and the First Amended Complaint shall be deemed
7 served and filed on the date this Stipulation and Order is filed.

8 The parties further agree that the Defendant's deadline to answer the Complaint
9 be continued to a date 30 days after the date of the Court's ruling on the parties'
10 anticipated soon-to-be-filed request for settlement approval.

11 By this stipulation, Defendant does not admit liability or otherwise waive its right to
12 challenge the content of the First Amended Complaint. Moreover, to the extent that the
13 Court does not approve the settlement of this lawsuit, then this stipulated Amended
14 Complaint will be withdrawn.

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17 DATED: March 21, 2016

BRYAN SCHWARTZ LAW

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By: s/Bryan Schwartz

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Bryan Schwartz

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Yi-Fan C. Everett

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Attorneys for Plaintiff and the Putative Class

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23 Dated: March 21, 2016

MARTENSON, HASBROUCK & SIMON LLP

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By: s/Lisa Szafranic

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Patricia Elizabeth Simon

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Lisa M. Szafranic

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Attorneys for Defendant

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ORDER

For good cause shown and based upon the stipulation of the parties, the Court hereby orders that Plaintiff is granted leave to file a First Amended Complaint, and Defendant's deadline to answer the First Amended Complaint does not become due until 30 days after the date of the Court's ruling on the parties' anticipated request for settlement approval.

IT IS SO ORDERED.

Dated: March 29, 2016



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT